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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/899,438	07/05/2001	Francois Gugumus	1-22224/US/A	4083

324 7590 10/28/2003

CIBA SPECIALTY CHEMICALS CORPORATION
PATENT DEPARTMENT
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EXAMINER

MEDLEY, MARGARET B

ART UNIT	PAPER NUMBER
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1714

DATE MAILED: 10/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/899,438	GUGUMUS, FRANCOIS	
	Examiner	Art Unit	
	Margaret B. Medley	1714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____. | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The instant application was filed on July 5, 2001 with pending claims 1-23.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 10, 13, 15-16, 18-21, and 23 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by GB 2,354,245A (CIBA), note the entire document for mixture of stabilizers, composition comprising said stabilizers and polyolefin's and method for stabilizing said olefins anticipating said instant claims.

Claim 1-3, 9-11, 13-16, 18-21, and 23 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by GB 2,316,410 A (CIBA), note the entire document for a mixture of stabilizers, composition comprising said stabilizers and polyolefin's and method for stabilizing said olefins anticipating the instant claims.

Claims 1-3, 9-11, 13-16, 18-21 and 23 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by GB 231649A (CIBA), note in the entirety for a mixture of stabilizers, composition comprising said stabilizers and polyolefin's and method for stabilizing said olefins anticipating the instant claims.

Claims 1-7, 9-21 and 23 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by GB 2,293,827A (SANDOZ) note in the entirety, especially HALS, Figures

2-7, 10-12, 16-17 for teachings to a mixture of stabilizers, composition comprising said stabilizers and polyolefin's and method for stabilizing said olefins anticipating the instant claims.

Claims 1-8, 10-14, 16, 18-21 and 23 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by EP 0728,806A (CIBA) note in the entirety for teachings to a mixture of stabilizers, composition comprising said stabilizers and polyolefin's and method for stabilizing said olefins anticipating the instant claims.

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-3, 5-6, 9-11, 13-21 and 23 are rejected under 35 U.S.C. 102(a) as being clearly anticipated by EP 1,078,929 Clariant, note in the entirety, especially page 3, lines 48-56 and example 8 for teachings to a mixture of stabilizers, composition comprising said stabilizers and polyolefins and method for stabilizing said olefins anticipating the instant claims.

Claims 1-2, 5-7 and 9-23 are rejected under 35 U.S.C. 102(a) as being clearly anticipated by NL 1,018,187 B (CIBA) note page 41 at paragraph 9 for teachings to a mixture of stabilizers, composition comprising said stabilizers and polyolefins and method for stabilizing said olefins anticipating the instant claims.

Claims 1, 15-21 and 23 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by 4,965,301 Phillips Petroleum, see in the entirety, particularly claim 1, for teachings to a mixture of stabilizers and polyolefins and method for stabilizing said olefins anticipating the instant claims.

Claims 1, 15-16, 18-21 and 23 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by 4,929,652 CIBA, note in the entirety particularly claims 1 and 2 for teachings to a mixture of stabilizers and composition comprising said stabilizers and polyolefins and method for stabilizing said olefins anticipating the instant claims.

Claims 1-2, 4-7 9-21 and 23 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by 5,919,399 (CIBA), note in the entirety, particularly column 41, paragraph 10 for teaching to a mixture of stabilizers, a composition comprising said stabilizers and a method for stabilizing said olefins anticipating the instant claims.

Claims 1-6, 9-11, 13-21 and 23 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by 5,980,783 (CIBA), note in the entirety for teachings to a synergistic mixture of stabilizers, a composition comprising said mixture and polyolefin's and method for stabilizing said olefins anticipating the instant claims.

Claims 1-7, 9-11, 13-19, 22 and 23 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by 6,013,703 (WITCO), note in the entirety for teachings to a mixture of stabilizers, a composition comprising said stabilizers and polyolefins and method for stabilizing said olefins anticipating the instant claims.

Claims 1-2, 4-6, 9-11, 13-21 and 23 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by 6,020,406 CIBA, note column 29 paragraph 10 for teachings to a mixture of stabilizers, a composition comprising said stabilizers and polyolefins and method for stabilizing said olefins anticipating the instant claims.

The prior art cited but not applied further discloses mixture of stabilizers and composition comprising said stabilizers and polyolefins of the same nature as that of the instant claims.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Margaret B. Medley whose telephone number is 703-308-2518. The examiner can normally be reached on Monday-Friday from 7:30 am to 6:30pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on 703-306-2777. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

M. Medley/lap
October 22, 2003


MARGARET MEDLEY
PRIMARY EXAMINER